

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

DENNY P. NEIL,

Plaintiff,

v.

SEACOR MARINE, LLC,

Defendant.

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CIVIL ACTION NO. G-05-369

ORDER


This case arises out of alleged injuries sustained by Denny P. Neil (“Plaintiff”) while he was aboard the SEA HORSE IV, owned and operated by Defendant Seacor Marine, LLC (“Defendant”). On, January 18, 2006, Defendant moved for summary judgment on Plaintiff’s Jones Act, unseaworthiness, and maintenance and cure claims on the ground that Plaintiff was not a Jones Act seaman at the time of the events giving rise to his alleged injuries.

In his Response, Plaintiff indicated that he intends to amend his Complaint to include claims of negligence under general maritime law as set forth in *Kemarec v. Compagnie Generale Transatlantique*, 358 U.S. 625 (1959), and/or claims arising under § 905(b) of the Longshore Harbor Workers’ Compensation Act, 22 U.S.C. §§ 901, et seq. Given the pendency of Defendant’s Motion, if Plaintiff wishes to amend his Complaint, he is hereby **ORDERED** to do so within 10 days from the date this Order is signed. At that time, the Court will then consider Defendant’s Motion for Summary Judgment. This is to prevent the possibility of Plaintiff from having to refile his cause of

action, and to promote the interests of judicial economy.

IT IS SO ORDERED.

DONE this 14th day of February, 2006, at Galveston, Texas.



Samuel B. Kent
United States District Judge